IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 261 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NIZAMMIYA AHMEDMIYA MALEK

Versus

PRAHLADBHAI SRINIVASJI SONI

Appearance:

1. Civil Revision Application No. 261 of 1999

MR NAVIN K PAHWA for Petitioner No. 1

RULE UNSERVED for Respondent No. 1

MS LILU K BHAYA for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a Revision Application under section 115

of the Code of Civil Procedure (1908), as amended by the Code of Civil Procedure (Amendment) Act, 1999.

2. The applicant herein is the original claimant, who had filed Misc. Motor Accident Claim Application No. 61 of 1997 before the Motor Accident Claims Tribunal, Nadiad, under section 140 of the Motor Vehicles Act. This application for interim compensation under the aforesaid provision was heard and rejected by the Tribunal on merits. It is this order which is the subject matter of the present Revision.

3. It is obvious that if the said application had been granted by the said Tribunal, it nevertheless would not have disposed of the main claim petition for compensation, since the application was only for interim compensation under section 140 of the Motor Vehicles Act.

4. Even otherwise, this Revision is not maintainable inasmuch as the impugned order passed under section 140 of the Motor Vehicles Act is appellable under section 173 of the said Act.

5. Hence this Revision Application is dismissed, and Rule is discharged with no orders as to costs.

(Y. B. BHATT, J.)

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